

Serial No. 10/625,845

Attorney Docket No. 01-448

**REMARKS**

Claims 1-16 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claim 1 has been amended solely to correct cosmetic defects which were noted in a review of the claims.

Claims 1-4, 6-7, and 9-16 were rejected under 35 USC 102(b) as being anticipated by JP-A-H110119792, Yamaguchi ("Yamaguchi"). Claim 5 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of U.S. Patent No. 6,345,254, Lewis et al. ("Lewis"). Claim 8 was rejected under 35 USC 103(a) as being unpatentable over Yamaguchi in view of U.S. Patent No. 5,754,430, Sawada ("Sawada"). The applicants respectfully request that this rejection be withdrawn for reasons including the following, which are presented by way of example.

The specification describes problems in handling commands that are inexecutable in the current settings of a target device. The user may be confused since, for example, the command is never executed but the user is not notified. (Specification page 1, line 25 to page 2, line 17.)

Independent claim 1 recites, for example, "a function setting detection means for detecting a function setting of the target device; a command executability determination means for determining executability of the command voice inputted by the user in the function setting detected by the function setting detection means and for providing, by the message output means, a correct usage of the voice command inputted by the user when the voice command is determined inexecutable." (See also independent claims 9 and 10.) Accordingly, a function setting of the target device is detected when a voice command to operate the target device is

Serial No. 10/625,845

Attorney Docket No. 01-448

recognized. If the recognized voice command is inexecutable under the deflection function setting, a method of correct usage of the recognized voice command is issued (claims 1, 9) or execution of the recognized voice command is prohibited (claim 10).

Consequently, it is checked whether the recognized voice command that is input to operate the target device is executable in relation to the existing condition of the target device which is to be controlled by the recognized voice command. This is consistent with the exemplary description in the specification, pages 7-8. For example, in operation, if a voice command "reset" is inputted and recognized in a navigation system under a function setting of "destination setting" (in which a destination has not yet been set), a method of correct usage of the "reset" command is issued (e.g., "The reset command should be used only when setting a destination has been completed") (claims 1, 9) or the execution of the reset command is prohibited (claim 10). As a result, a user can easily understand why his/her voice command does not operate the target device and also can learn how to properly use the voice command.

The office action asserts that Yamaguchi discloses the invention as claimed. To the contrary, Yamaguchi fails to teach or suggest the invention, as presently claimed, when the claims are considered as a whole. Yamaguchi fails to teach or suggest, for example, "a function setting detection means for detecting a function setting of the target device;" and "a command executability determination means for determining executability of the command inputted by the user in the function setting detected by the function setting detection means and for providing ... a correct usage of the voice command inputted by the user when the voice command is determined inexecutable." (Claim 1; see also claims 9, 10.)

The examiner contends that Yamaguchi paragraph [0012] teaches a function detection and setting, and in particular detects a function setting of the target device. In Yamaguchi, an

Serial No. 10/625,845

Attorney Docket No. 01-448

environmental condition such as traveling or day/night is detected and considered in operating a target device by a voice command. (Paragraphs [0010] to [0012], "Environmental conditions are transit conditions (various kinds of conditions relevant to transit) in an automobile;" paragraphs [0032], [0033]; see also paragraph [0046] (for the actuation of "headlight-off", "if it is current Nighttime, device actuation will be forbidden.")) The examiner apparently considers that a transit condition such as "Nighttime" can be "a function setting of the target device" (e.g., claim 1) or "an operating condition of the navigation device" (claim 10). It is respectfully submitted that this is an overly broad interpretation of the language recited in the independent claims.

In any event, according to Yamaguchi paragraphs [0038] and [0042], consideration of the environmental condition is only made when a voice command is not correct but is a similar ("irregular") command. More particularly, Yamaguchi does not consider the environmental condition at all when the voice command is the correct one. In the recited claims, to the contrary, the function setting or operating condition of the target device itself is considered when the voice command is recognized.

Yamaguchi fails to teach or suggest, for example, these elements recited in independent claims 1, 9 and 10. It is respectfully submitted therefore that claims 1, 9 and 10 are patentable over Yamaguchi.

For at least these reasons, the combination of features recited in the independent claims, when interpreted as a whole, is submitted to patentably distinguish over the references of record. In addition, Yamaguchi clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from the independent claims, but also because of additional features they recite in combination.

Serial No. 10/625,845

Attorney Docket No. 01-448

In addition, with regard to claim 11, none of the references (alone or in combination) teach that the function setting detection means of the target device detects function settings by interrupting the operation of the target device. Similarly, with regard to claims 13 and 15, none of the references teach that the operating condition is detected by interrupting the operation of the target device. On page 7 of the office action, the examiner argues that Yamaguchi's ability to forbid or permit device actuation amounts to detecting the function setting by interrupting the operation of the target device. ("[W]hen a certain similar type command has been recognized, ... the device actuation according that command is forbidden," Yamaguchi paragraph [0013].) Forbidding actuation is completely different from interrupting operation of a device to detect its function setting. Accordingly, it is respectfully submitted that the examiner's interpretation of the language of claims 11, 13 and 15 is overly broad and cannot be supported. For this additional reason, the rejection of claims 11, 13 and 15 must be withdrawn.

With regard to claims 12, 14 and 16, none of the references teach or suggest sending a signal to execute the command if it is executable under the detected operating condition, and that the function setting of the target device is changed by executing the command. For example, the examiner argues that an environmental condition such as "nighttime" is a function setting of the target device (as the examiner broadly interprets claims 1 and 12 in combination). Assuming as the examiner argues that an environmental condition such as "nighttime" can be a function setting of the device (which applicants deny), Yamaguchi fails to teach or suggest sending a signal to the device to execute a command which changes the environmental condition, e.g., so that it is no longer "nighttime". Accordingly, it is respectfully submitted that the examiner's interpretation of the language of claims 12, 14 and 16 is overly broad and cannot be supported. It is respectfully requested that the rejection of claims 12, 14 and 16 be withdrawn for this additional reason.

Serial No. 10/625,845

Attorney Docket No. 01-448

For these additional reasons, claims 11-16 are deemed to be patentable over the references, alone or in combination.

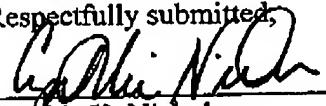
Applicants respectfully submit that, as described above, the cited art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the cited art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited references.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

  
\_\_\_\_\_  
Cynthia K. Nicholson  
Reg. No. 36,880

Posz Law Group, PLC  
12040 South Lakes Drive, Suite 101  
Reston, VA 20191  
Phone 703-707-9110  
Fax 703-707-9112  
Customer No. 23400